

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1015 - HB 1518

March 2, 2023

SUMMARY OF BILL: Establishes the *Family Caregiver Antidiscrimination Act* (Act). Establishes that it is an unlawful employment practice for an employer to:

- Fail or refuse to hire or to discharge an employee, or otherwise discriminate against an employee, with respect to compensation, terms, conditions, or privileges of employment because of the employee's family responsibilities, if:
 - The employee does not violate the employer's attendance and absenteeism policies that are not prohibited by other applicable law; and
 - The employee's performance at work meets satisfactory standards; or
- Limit, segregate, or classify an employee in a way that deprives, or tends to deprive, an employee of employment opportunities, or otherwise adversely affects the employee's status as an employee because of the employee's family responsibilities, except with respect to the employer's attendance and absenteeism standards that are not protected by other applicable law and to the extent the employee's performance at work meets satisfactory standards.

Specifies that this Act does not create an obligation for an employer to make special accommodations for an employee with family responsibilities, as long as the policies related to leave, scheduling, absenteeism, work performance, and benefits are applied in a nondiscriminatory manner.

Requires the Department of Labor and Workforce Development (DLWD) to enforce this Act. Authorizes a person who is victim of a violation of this Act to bring a civil action, where in such cases a court may issue back pay, compensatory damages, prejudgment interest, reasonable attorneys' fees, and any legal or equitable relief. Sets the statute of limitation for such civil actions at one year, extending from the date of termination of employment or the date of the adverse employment action.

FISCAL IMPACT:

NOT SIGNIFICANT

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Assumptions:

- It is estimated that this legislation will result in a minimal increase in complaints to the DLWD regarding employers' failure to adhere to the provisions of this Act and will have no significant impact on the workload currently experienced by the department.
- This legislation may result in a small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- It is assumed that state and local governments will abide by all the provisions of this legislation and will not be ordered to issue back pay, compensatory damages, prejudgment interest, reasonable attorneys' fees, and any legal or equitable relief.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumptions:

- It is assumed that this legislation will not result in a significant increase in private businesses being ordered to issue back pay, compensatory damages, prejudgment interest, reasonable attorneys' fees, and any legal or equitable relief. Any other impacts on business operations will be not significant.
- This legislation will have no significant impact on commerce or jobs in this state.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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